



Chambers of
Hon. Marvin J. Garbis
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
101 W. LOMBARD STREET
BALTIMORE, MARYLAND 21201

October 14, 2016

ALL COUNSEL OF RECORD

Re: United States v. Republic, MJG-16-0258

Dear Counsel:

I have received Government counsel's letter of October 12 [ECF No. 56] to which defense counsel may respond.

In regard to a response, please bear in mind that the pending motion presents two distinct (but somewhat overlapping) categories of reasons for a dismissal of the indictment. One way¹ that these reasons can be summarized would be that (1) the indictment is the product of a retaliatory/vindictive prosecution and (2) even if not, the indictment fails adequately to state some or all of the charges therein.

The question presently presented regarding the first category of contentions is what further proceedings, if any, should be held prior to resolution. Certainly, the mere fact that there was a conflict of interest would not of itself establish that there was a retaliatory/vindictive prosecution. However, that fact would be relevant, together with other facts and circumstances, to the ultimate determination. And, further proceedings may be necessary regarding pertinent facts and circumstances. Thus, the reply may properly include statements regarding further proceedings that the defense contends should be held.

Under the circumstances, defendants may file any reply to the aforesaid letter by October 28 and the Government may file a sur-reply by November 4.

¹ Presumably, not the only way.

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Although in letter form, this document constitutes an Order and shall be docketed as such by the Clerk.

Yours truly,

_____/s/_____
Marvin J. Garbis
United States District Judge

CC: Clerk